

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

George Phillips,)	Civil Action No. 8:14-2269-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
South Carolina Department of)	
Corrections; Warden Robert Stevenson,)	
III; and Chaplain J. Michael Brown,)	
)	
Defendants.)	
_____)	

Plaintiff George Phillips (“the plaintiff”), proceeding *pro se*, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on the plaintiff’s motion for preliminary injunction (ECF No. 31), the plaintiff’s motion for summary judgment (ECF No. 32), and the defendants’ motion for summary judgment. (ECF No. 33.) On July 1, 2015, Magistrate Judge Austin issued a Report recommending that the defendant’s motion for summary judgment (ECF No. 33) be granted, and the plaintiff’s motions for preliminary injunction (ECF No. 31) and summary judgment (ECF No. 32) be denied. (ECF No. 49.). The Magistrate Judge advised the plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. (ECF No. 49-1.) The plaintiff filed no objections and the time for doing so expired on July 20, 2015.

The Magistrate Judge makes only a recommendation to this court. The

recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

August 10, 2015
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.